

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1840

Introduced by Assembly Member Campos

February 18, 2014

An act to amend Section ~~49452~~ 49455 of the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1840, as amended, Campos. Pupil health: ~~sight and hearing tests.~~ *vision appraisal.*

Existing law requires, upon first enrollment in a California school district of a child at a California elementary school, and at least every 3rd year thereafter until the child has completed the 8th grade, the child's vision to be appraised by the school nurse or other authorized person, as specified.

This bill would also require a child's vision to be appraised upon first enrollment in a state or federally funded child care and development program, and at least every 3rd year thereafter until the child has completed the 8th grade, as specified. The bill would authorize a child's vision to be appraised by using an eye chart or any other scientifically valid technology.

~~Existing law requires the governing board of any school district to provide for the adequate testing of sight and hearing of each pupil enrolled in the schools of the district to be given only by specified persons.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 49455 of the Education Code is amended
2 to read:
3 49455. (a) Upon first enrollment in a California school district
4 of a child at a California elementary school *or a state or federally*
5 *funded child care and development program, as defined by Section*
6 8208, and at least every third year thereafter until the child has
7 completed the eighth grade, the child's vision shall be appraised
8 by the school nurse or other authorized person under Section
9 49452. This ~~evaluation~~ *appraisal* shall include tests for visual
10 acuity and color vision; however, color vision shall be appraised
11 once and only on male children, and the results of the appraisal
12 shall be entered in the health record of the pupil. Color vision
13 appraisal need not begin until the male pupil has reached the first
14 grade. Gross external observation of the child's eyes, visual
15 performance, and perception shall be done by the school nurse and
16 the classroom teacher, *or the caregiver, as applicable*. The
17 ~~evaluation appraisal~~ may be waived, if the child's parents so desire,
18 by their presenting of a certificate from a physician and surgeon,
19 a physician assistant practicing in compliance with Chapter 7.7
20 (commencing with Section 3500) of Division 2 of the Business
21 and Professions Code, or an optometrist setting out the results of
22 a determination of the child's vision, including visual acuity and
23 color vision.
24 (b) *A child's vision may be appraised by using an eye chart or*
25 *any other scientifically valid technology. For purposes of this*
26 *subdivision, a scientifically valid technology is a technology that*
27 *has been published in a peer reviewed journal.*
28 ~~The provisions of this~~
29 (c) *This section shall not apply to any a child whose parents or*
30 *guardian file with the principal of the school or the caregiver of*
31 *the child care and development program, as applicable, in which*
32 the child is enrolling, a statement in writing that they adhere to the
33 faith or teachings of any well-recognized religious sect,
34 denomination, or organization and in accordance with its creed,

1 tenets, or principles depend for healing upon prayer in the practice
2 of their religion.

3 ~~SECTION 1. Section 49452 of the Education Code is amended~~
4 ~~to read:~~

5 ~~49452. The governing board of a school district shall, subject~~
6 ~~to Section 49451, provide for the testing of the sight and hearing~~
7 ~~of each pupil enrolled in a school of the district. The test shall be~~
8 ~~adequate in nature and shall be given only by duly qualified~~
9 ~~supervisors of health employed by the district; or by certificated~~
10 ~~employees of the district or of the county superintendent of schools~~
11 ~~who possess the qualifications prescribed by the Commission for~~
12 ~~Teacher Preparation and Licensing; or by contract with an agency~~
13 ~~duly authorized to perform those services by the county~~
14 ~~superintendent of schools of the county in which the district is~~
15 ~~located, under guidelines established by the State Board of~~
16 ~~Education; or accredited schools or colleges of optometry,~~
17 ~~osteopathic medicine, or medicine. The records of the tests shall~~
18 ~~serve as evidence of the need of the pupils for the educational~~
19 ~~facilities provided physically handicapped individuals. The~~
20 ~~equipment necessary to conduct the tests may be purchased or~~
21 ~~rented by governing boards of school districts. The state, any~~
22 ~~agency, or political subdivision thereof may sell or rent any such~~
23 ~~equipment owned by it to the governing board of a school district~~
24 ~~upon terms as may be mutually agreeable.~~